#### DELTA PROTECTION COMMISSION

14215 RIVER ROAD P.O. BOX 530 WALNUT GROVE, CA 95690 PHONE: (916) 776-2290 FAX: (916) 776-2293

April 12, 1996



To:

Delta Protection Commission

From:

Margit Aramburu, Executive Director

Subject:

REVISED Staff Report and Preliminary Staff Analysis on

SACRAMENTO COUNTY

#### Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the plan:

- a. consistent with the regional plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.

- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- q. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

#### Revised Sacramento County Submittal:

Rob Burness, Senior Planner, submitted a revised submittal dated April 10, 1996 (see attachment). The current submittal proposes to:

- (1) adopt the Delta Plan into the General Plan by resolution;
- (2) adopt an amendment to language in the Open Space Element which references the Delta Plan as part of the General Plan both in text and diagram; and
- (3) add a document entitled "Components of the General Plan" that includes the Delta Plan as a policy document.

#### Description of Lands within the County:

Sacramento County sweeps through the northern half of the Delta, from I-5, southwest to the confluence of the Sacramento and San Joaquin Rivers covering about 95,000 acres, approximately 20 percent of the Primary Zone (see attached map). Islands and tracts include: Pierson District, Sutter Island, Grand Island, McCormack Williamson Tract, Tyler Island, southern half of Brannan-Andrus Island,

Twitchell, and Sherman Island. The northern half of Brannan-Andrus Island is in the Secondary Zone. The State of California owns much of the southernmost part of the County, including most of Sherman and Twitchell Islands, and Brannan Island State Recreation Area.

#### Existing General Plan:

Sacramento County adopted a General Plan in December, 1993. The Plan identifies future growth areas, which are out of The County's adopted Urban Service Boundary does the Delta. not pass west of I-5. Most of the Delta is designated as Agricultural Cropland. Areas of low density residential use are located in the existing communities of Hood, Courtland, Locke, and Walnut Grove. Small areas are identified as Intensive Industrial and Extensive Industrial use. Recreational uses are designated at the north tip of Sherman Island, Brannan Island State Park, eastern Andrus Island, the area west of Island, and the area between the Cross Channel and Locke. Areas of Natural Reserve include: Lost Slough, Sherman Island Wildlife Area, the west tip of Grand Island, Stone Lakes, Delta Meadows, and the levees along several sloughs (Snodgrass, Sevenmile, and Steamboat Sloughs).

The Agricultural Element promotes protection of agricultural land using mitigation to provide in-kind protection when agricultural land is developed, promotes use of mitigation banks and natural resources preserves, promotes buffers, and minimum parcels sizes based on soil types (Classes I and II: 40 acres; Classes III and IV: 80 acres).

Sacramento County has adopted a special plan for the Delta area. The Delta Community Area Plan, adopted in 1983, designates most of the Delta as permanent agricultural land in 80, 40, and 20 acre minimum parcels. A Special Planning Area is located on Andrus Island focusing on recreational development; additional small areas are designated Commercial Recreation. The areas around Stone Lake, Snodgrass Slough, Delta Meadows, tip of Grand Island, Brannan Island State Park, and the islands at southern Sherman Island are designated Recreation, with a Flood overlay.

#### Existing Zoning:

The zoning ordinance allows minimum parcels of 20 acres, 40 acres, and 80 acres in the agricultural areas. There are some inconsistences between the zoning ordinance and the General Plan; some areas zoned 20 acre minimum parcel are Class I or Class II soils designated minimum parcel size of 40 acres in the new General Plan. The existing communities are zoned low density residential (1 to 12 dwelling units per acre).

#### <u>Proposed General Plan Amendments:</u>

The County proposes to amend the County General Plan to:

- (1) adopt the Delta Plan into the General Plan by resolution:
- (2) adopt an amendment to language in the Open Space Element which references the Delta Plan as part of the General Plan both in text and diagram; and
- (3) add a document entitled "Components of the General Plan" that includes the Delta Plan as a policy document.

#### Analysis in Comparison with the Adopted Plan:

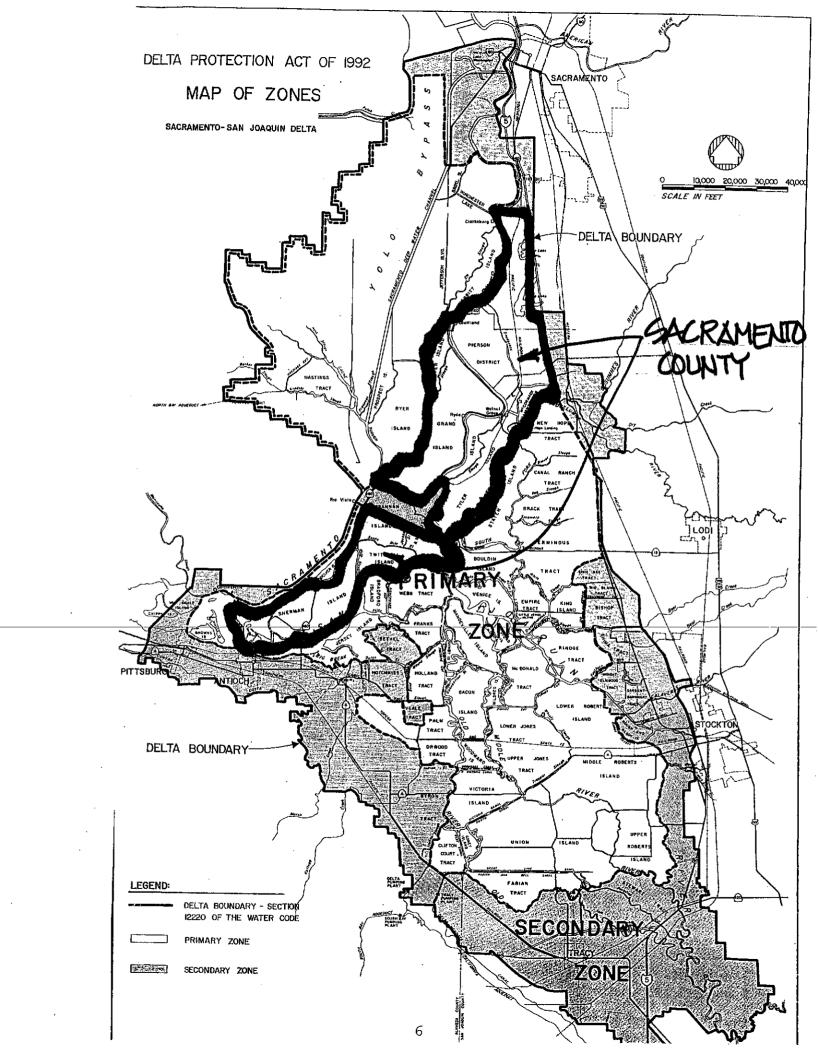
A detailed analysis dated September 15,1995, prepared by Peter Morse was mailed to the Commission for discussion at a public hearing at the October 26, 1995 Commission meeting. The County's April 10, 1996 staff report (see Section F. History) indicates there is only one policy in conflict with the General Plan; Utilities and Infrastructure Policy P-3. The County declines to address the inconsistency at this time.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The County's proposed General Plan amendments to incorporate the Delta Plan into the County General Plan by reference, would result in no additional environmental impacts beyond those outlined in the environmental analysis prepared in support of the Commission's adoption of the Delta Plan in February of 1995.

#### Preliminary Staff Analysis:

Subject to receiving public comments, staff's preliminary analysis is that the proposed amendments appear to be consistent with Section 29763.5 of the Delta Protection Act.





## **COUNTY OF SACRAMENTO**

#### PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

827 SEVENTH STREET, ROOM 230 SACRAMENTO, CALIFORNIA 95814 Telephone: (916) 440-6141 FAX: (916) 440-6400 THOMAS W. HUTCHINGS DIRECTOR

Robert Sherry, Principal Planner Long Range Planning & Enforcement

> Tricia Stevens, Principal Planner Application Processing

> > Ana Rhodes, ASO III Administration

April 10, 1996

Ms. Margit Aramburu, Executive Director Delta Protection Commission 14215 River Road P.O. Box 530 Walnut Grove, CA 95690

APR - 8 REC'D

SUBJECT: Draft Language for Bringing the Sacramento County General Plan into Consistency with the Delta Plan

Dear Ms. Aramburu;

Attached is a draft of a staff report that we will transmit to the Policy Planning Commission and subsequently to the Board of Supervisors requesting General Plan amendments to bring the General Plan into consistency with the Delta Plan. We are recommending three approaches to achieving consistency. 1) adopt the Delta Plan into the General Plan by resolution, 2) adopt an amendment to language in the Open Space Element that references the Delta Plan as part of the General Plan both in text and diagram, and 3) add a document entitled "Components of the General Plan" that includes the Delta Plan as a policy document.

Because this is a draft staff report there may be minor changes to the language, though the basic approach to achieving consistency will remain. Further, the Policy Planning Commission may alter staff's proposed language before forwarding the amendments to the Board of Supervisors, who will take the final adoption action.

On April 17, 1996 we have scheduled a hearing with the Board for initiating the General Plan amendment process regarding the Delta Plan. The Policy Planning Commission can first consider the amendments on May 22, 1996, though we may ask for a continuance to allow action by the Delta Planning Commission. The Board of Supervisors can then first consider the Planning Commission's recommendation on July 24, 1996. After tentative approval we will compile a resolution reflecting the Board's action. The Board will then take action on that resolution and we will make the appropriate changes to the General Plan.

Please address any questions or comments you might have to Mike Winter (440-6141).

Sincerely.

Rob Burness Senior Planner



Control No.: 96xxxx

Type: GPB

TO: BOARD OF SUPERVISORS - POLICY PLANNING COMMISSION-

ON: GENERAL PLAN AMENDMENT TO BRING GENERAL PLAN INTO CONSISTENCY WITH THE DELTA PLANNING COMMISSION'S "LAND USE AND RESOURCE MANAGEMENT PLAN FOR THE PRIMARY ZONE OF THE DELTA" (DELTA PLAN)

ASSESSOR'S PARCEL NO.: Various

**LOCATION**: Delta Primary Zone

APPLICANT:

APPLICANT:

County of Sacramento 700 H Street Sacramento CA 95814 Sacramento County Planning and Community Development Department 827 7th Street, Room 230 Sacramento CA 95814

<u>REQUEST</u>: General Plan Amendments to incorporate the Delta Protection Commission's "Land Use And Resource Management Plan For The Primary Zone In The Delta" (Delta Plan), excluding policy P-3 of the Utilities and Infrastructure Section, and to add a document entitled "Components of the General Plan".

ENVIRONMENTAL DOCUMENT: Both requests are EXEMPT

#### I. <u>STAFF RECOMMENDATION:</u>

#### A. Recommended Actions:

- 1. Environmental Documentation: Determine that the amendments are exempt.
- 2. General Plan Amendments: Recommend that the Board of Supervisors ADOPT the Delta Plan by resolution, excluding policy P-3 of the Utilities and Infrastructure Section, ADOPT the language of Exhibit "A" amending the General Plan to incorporate the Delta Plan into the General Plan by reference in the Open Space Element, and ADOPT the language in Exhibit "B" adding a document entitled "Components of the General Plan".
- 3. Mitigation Monitoring and Reporting Program: None.
- B. <u>Justification</u>: The staff recommendations are based upon the following considerations:
  - 1. The request is consistent with the policies contained in the County General Plan text in that the amendments incorporate the Delta Plan into the General Plan, and there are no policies in the proposed language that are inconsistent with existing General Plan policy.
  - The request is consistent with policies contained in the Delta Community Plan Map and text in that the amendment incorporates the Delta Plan into the General Plan, and there are no policies in the proposed language that are inconsistent with the Delta Community Plan.
  - 3. The proposed amendment is exempt from the California Environmental Quality Act.

#### II. GENERAL INFORMATION:

- A. <u>Property Size and Configuration</u>: The Delta Plan policies would apply to approximately 95,300 acres in the Primary Zone of the Delta.
- B. <u>Purpose of Request</u>: To bring the General Plan into consistency with the Delta Plan as required by State law, and to create a document entitled "Components of the General Plan" to increase the usability of the document.
- C. General Plan Designation: Various
- D. <u>Procedural Limitation</u>: The Board of Supervisors is the appropriate authority to hear and decide this request after recommendations from the Policy Planning Commission.

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E. <u>Applicable Regulations</u>: The Sacramento County General Plan, the Delta Community Plan.

#### F. History.

In 1992 the California Legislature passed the Delta Protection Act, establishing the 19member Delta Protection Commission and directing it to draft a comprehensive land management plan for the Primary Zone of the Delta. The Commission consists of representatives from local and state water districts, reclamation districts and local governments, including Sacramento County.

On February 23, 1995 the Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta" ("Delta Plan", Attachment A). The Delta Plan has polices which ensure the viability of agriculture, wildlife habitat, and recreational uses while balancing conservation and development of natural resources and improving flood protection. State law requires that each jurisdiction within the Primary Zone take necessary actions to bring their General Plans into consistency with the policies of the Delta Plan.

The Commission requested from the Primary Zone jurisdictions an evaluation of General Plan consistency with the Delta Plan, and a description of their intentions for bringing General Plans into consistency with the Delta Plan. Sacramento County sent a letter (Attachment B) followed by a detailed consistency analysis (Attachment C). The letter states that the General Plan's general intent is in keeping with the Delta Plan's intent and that General Plan policies are supportive of, though more general than, Delta Plan policies. General Plan silence on Delta Plan policy issues is considered equivalent to consistency.

The only Delta Plan policy for which County policy is inconsistent is P-3 of the Facilities and Infrastructure section of the Delta Plan. Policy P-3 prohibits the use of sewage effluent and biosolids (sewage sludge) in the primary zone for a three year period. Although the General Plan does not directly address the use of biosolids, policy P-3 conflicts with policies of the Public Works Department. At this time, however, we declined to address this inconsistency because of a lawsuit by a biosolids supplier, Wheelabrator Clean Water Systems, Inc. Bio Gro Systems Division. The Administrative Law Judge agreed that policy P-3 is legally invalid because of Commission failure to seek policy approval from the Office of Administrative Law prior to adoption. County Counsel anticipated that assessment (Attachment D), and added the opinion that the Commission overstepped its statutory authority through this policy, since such biosolid and sewage effluent applications are within the jurisdiction of the State and Regional Boards of Water Quality Control.

The Planning Department has delayed action on the remainder of the Delta Plan until the recent ruling by the Administrative Law judge. That ruling states that policy P-3 is in fact

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subject to Administrative Law Office approval, however, the other policies in the Delta Plan are legally valid. The Planning Department is now ready to propose amendments that bring the General Plan into consistency with the legally valid policies of Delta Plan.

III. <u>ENVIRONMENTAL ANALYSIS:</u> The amendments proposed herein are exempt form the California Environmental Quality Act.

#### IV. PROJECT ANALYSIS:

- A. <u>Discussion</u>: Other counties in the Delta have proposed to achieved consistency, to the satisfaction of the Delta Protection Commission, in one of the following ways:
- a. Adoption of a General Plan policy requiring project consistency with and consultation of the Delta Plan before making land use decisions. (Contra Costa County).
- b. Amend the General Plan with new text and policies, and some minor changes to existing policies (Solano Co., San Joaquin Co.)
- c. Incorporation of the Delta Plan verbatim into the General Plan (Yolo Co).

The Planning Department proposes to adopt the Delta Plan by resolution, and to amend the language of the General Plan to incorporate the Delta Plan by reference in the Open Space Element, and through a Table of Contents for the General Plan. As appropriate, language would exclude policy P-3 of the Delta Plan's Utilities and Infrastructure Section from this Board action.

B. <u>Conclusion</u>: Planning staff recommends that the Board of Supervisors adopt the Delta Plan by resolution and adopt the language provided in Exhibit "A" that incorporates into the General Plan the Delta Protection Commission's "Land Use and Resource Management Plan for the Primary Zone of the Delta", excluding Policy P-3 of the Utilities and Infrastructure Section. Further, planning staff recommends adopting a document entitled "Components of the General Plan" which includes the Delta Plan, as shown in Exhibit "B".

#### VII. EXHIBITS

- A. Language for the Open Space Element that references the Delta Plan as a part of the General Plan.
- B. "Components of the General Plan"

# EXHIBIT "A

The following italicized language is to be added as shown below, on page 2 of the Open Space Element under the heading "RELATIONSHIP TO OTHER ELEMENTS". Further, modify the figure 1 on page 3 of the Open Space Element to add the changes as circled in the table on the following page of this exhibit.

#### RELATIONSHIP TO OTHER ELEMENTS

The Open Space Element is coordinated with several of the other Elements in this Plan. The following chart illustrated the relationship between the legal definitions of open space, various elements, and specific land use designations and policy groups. Many of the policies in other elements support and enhance the open space strategy described herein. and together they meet State General Plan mandates. Several key open space related policies are listed in the Agricultural Element.

The Delta Primary Zone is a unique resource with rich cultural heritage, a strong agricultural base, and with many opportunities for recreation and habitat conservation. In order to help preserve these and other important values of the Delta Primary Zone, the Delta Protection Commission's "Land Use and Resource Management Plan for the Primary Zone of the Delta" (DPC adopted 2/23/95) was adopted and incorporated into the Sacramento County General Plan by the Board of Supervisors (Resolution # The Delta Plan policies relate to many aspect of open space and resource conservation and shall be considered when making decisions on projects within the Primary Zone of the Delta.

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#### OPEN SPACE ELEMENT RELATIONSHIPS

Figure 1 LAND USE DESIGNATIONS LEGAL REQUIREMENTS POLICY DOCUMENT AND POLICIES Land Use Element Open space for \* Natural Preserve zones preservation of natural \* Marsh and riparian areas resources Conservation Element \* Vernal Pool Protection \* Urban stream policies \* Rare and endangered species \* Tree & Woodland protection \* Aquifer Recharge Areas \* Habitat acquisition \* Urban stream corridors Open Space Element \* Habitat protection Delta Plan \* Water Quality Open Space for managed Land Use Element Agricultural use categories production of resources \* Aggregate resource category Conservation Element \* Soil Productivity \* Water Quality \* Mineral Resources \* Woodland management \* Material conservation \* Mitigation Banks \* General Agriculture Agricultural Element \* Agricultural cropland \* Williamson Act Open Space Element \* Acquisition Delta Plan \* Protection of prime soils \* Public education Open space for outdoor Land Use Element \* Recreation Category \* Historic & cultural resources recreation Conservation Element Delta Plan \* Access and facility expansion Open space for public Safety Element \* Flood hazard Conservation Element health and safety \* Urban Stream Corridors Delta Plan \* Marine patrol/Boater ed. (MW) DRAFT 4/9/96

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## EXHIBIT B

## **COMPONENTS OF THE GENERAL PLAN**

## COUNTY OF SACRAMENTO GENERAL PLAN

This documents identifies the components of the Sacramento County General Plan and indicates the type of information available in each element or specialized plan. The General Plan is made up of twenty policy documents including sixteen elements and four specialized plans. The four specialized plans have been adopted by the Board of Supervisors as a part of the General Plan and their policies and text are equal in all aspects to the elements.

Some of the following tables of contents have been modified and simplified for consistency in presentation here. A full table of contents in its original form is available in most elements or plans.

#### COUNTY OF SACRAMENTO GENERAL PLAN

## COMPONENTS OF THE GENERAL PLAN

## ORIGINAL \* ADOPTION DATE

#### **ELEMENTS**

1. LAND USE	12/15/93
o LAND USE DIAGRAM	
o URBAN POLICY AREA MAP	
2. PUBLIC FACILITIES	12/15/93
3. CIRCULATION	12/15/93
o TRANSPORTATION PLAN	
4. AIR QUALITY	12/15/93
5. CONSERVATION	12/15/93
6. OPEN SPACE	12/15/93
o OPEN SPACE PRESERVATION STRATEGY DIAGRAM	
7. AGRICULTURAL	12/15/93
8. SCENIC HIGHWAYS	1974
9. HUMAN SERVICE	03/02/94
10. HOUSING	11/09/94
11. ENERGY	<b>197</b> 9
12. NOISE	12/15/93
o NOISE ENVIRONMENT MAP	
13. SAFETY	12/15/93
14. HAZARDOUS MATERIALS	1986
15. COMMUNITY PLANNING	1975
16. PLAN ADMINISTRATION	12/15/93
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### POLICY PLANS ADOPTED INTO THE GENERAL PLAN

17. AMERICAN RIVER PARKWAY PLAN	1985
o AMERICAN RIVER PARKWAY MAP SERIES (3)	
18. HAZARDOUS WASTE MANAGEMENT PLAN	1992
o SUITABILITY FOR SITING HAZARDOUS WASTE	
FACILITIES IN SACRAMENTO COUNTY	
19. THE 2010 SACRAMENTO CITY/COUNTY	
BIKEWAY MASTER PLAN	1993
o 2010 BIKEWAY MASTER PLAN MAP	
20. LAND USE AND RESOURCE MANAGEMENT PLAN FOR	
THE PRIMARY ZONE OF THE DELTA	1006

<sup>\*</sup> All of these documents are subject to amendments and these dates may not reflect the most current version.

#### POLICY PLANS ADOPTED INTO THE GENERAL PLAN

#### AMERICAN RIVER PARKWAY PLAN

**SECTION 1 - INTRODUCTION** 

**SECTION 2 - GOALS AND POLICIES** 

Goals

**Policies** 

SECTION 3 - RESOURCES OF THE PARKWAY

Natural Resources

**Human Historical Resources** 

Interpretative Resources

SECTION 4 -FLOOD CONTRL & WATER FLOWS

Wild and Scenic Rivers Status

Flood Control and Levee Protection

Water Flows

**SECTION 5 - RECREATIONAL USE PARKWAY** 

**Group Activities** 

**Permitted Recreational Activities** 

SECTION 6 - NON-RECREATIONAL USE OF

THE PARKWAY

Commercial Activities

Caretakers

Agricultural

**Public Utilities** 

Local Drainage

Architectural Standards for Structures

**SECTION 7 - LAND USE** 

Open Space Preserve

Nature Study Area

Protected Area

Limited Recreation

Developed Recreation

Recreation Reserve

SECTION 8 - PUBLIC ACCESS AND TRAILS

Access

Section 8 continued

Roads

Trails

Handicapped Access

Vehicle Bridges

**SECTION 9 - PUBLIC SAFETY** 

SECTION 10 - AREA PLANS

Discovery Park Area

Woodlake Area

Cal Expo Area

Paradise Beach

**Campus Commons** 

Howe Avenue

Watt Avenue

SARA Park Area

Arden Bar Area

Goethe Park

Sarah Court Access

**Ancil Hoffman County Park** 

Rossmoor Bar

San Juan Bluffs

Sacramento Bar

Sunrise Recreation Area

Sunrise Bluffs

Sailor Bar

Natoma State Recreation Area

SECTION-11--IMPLEMENTATION

Jurisdictional Responsibilities

Planning and Development Process

**Public Hearing Process** 

Action Plan

Expenditures and Funding

#### **BIKEWAYS MASTER PLAN**

CHAPTER 1 - COMPENDIUM

CHAPTER 2 - PREFACE

**CHAPTER 3 - GOAL** 

**CHAPTER 4 - BICYCLING** 

**CHAPTER 5 - PLANNING** 

CHAPTER 6 - BICYCLE ACCIDENT

HISTORY/SAFETY

**CHAPTER 7 - EDUCATION** 

**CHAPTER 8 - ENFORCEMENT** 

CHAPTER 9 - DESIGN STANDARDS

CHAPTER 10 - UNIFORM TRAFFIC CONTROL

DEVICES

CHAPTER 11 - USER SURVEY

CHAPTER 12 - PARKING

**CHAPTER 13 - COSTS** 

CHAPTER 14 - PUBLIC TRANSPORTATION

**CHAPTER 15 - IMPLEMENTATION** 

CHAPTER 16 - INVENTORY

#### HAZARDOUS WASTE MANAGEMENT PLAN

SECTION i - EXECUTIVE SUMMARY

SECTION 1 - INTRODUCTION

SECTION 2 - POLICIES FOR COUNTY'S HAZARDOUS WASTE

MANAGEMENT PLAN

SECTION 3 - HISTORY OF HAZARDOUS MATERIALS PROGRAMS IN

SACRAMENTO COUNTY

SECTION 4 - STATE DOHS REQUIRED NOTIFICATION

SECTION 5 - CURRENT WASTE GENERATION

SECTION 6 - PROJECTED WASTE

GENERATION WITHOUT WASTE

REDUCTION

SECTION 7 - WASTE MINIMIZATION

SECTION 8 - PROJECTED WASTE

GENERATION WITH WASTE

REDUCTION

SECTION 9 - HAZARDOUS WASTE FACILITIES

**SECTION 10 - FACILITY NEEDS** 

SECTION 11 - HAZARDOUS WASTE FACILITY

SITING

**CONSTRAINTS** 

SECTION 12 - HAZARDOUS WASTE

TRANSPORTATION

SECTION 13 - IMPLEMENTATION

SECTION 14 - SOURCES

SECTION 15 - APPENDICES

#### LAND USE AND RESOURCE MANAGEMENT PLAN FOR THE PRIMARY ZONE OF THE DELTA

**SECTION I - INTRODUCTION** 

Figure 1: Regional Location Map

SECTION II - FINDINGS, POLICIES, AND

RECOMMENDATIONS

Environment

Utilities and Infrastructure

Land Use

Agriculture

Section II continued

Water

Recreation and Access

Levees

Marine Patrol, Boater Education, and Safety

**Programs** 

SECTION III - IMPLEMENTATION

SECTION IV - MAP OF THE DELTA PRIMARY

AND SECONDARY ZONES

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